



ADMINISTRATION FOR **CHILDREN & FAMILIES**

Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201
www.acf.hhs.gov/programs/orr

Eligibility for ORR Services for Cuban and Haitian Entrants Without Work Authorization

Policy Letter 19-06

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Policy Letter

This Policy Letter outlines the ORR services available to Cuban and Haitian Entrants (Entrants) in Pending Removal Proceedings who are not authorized to work in the United States (“Non-Employable Entrants”). These are Entrants who have been issued the Department of Homeland Security (DHS) Form I-862 (Notice to Appear, or NTA) or the DHS Form I-220a (Release on Own Recognizance) only, or any other documentation placing them into removal proceedings only¹, and who have not been granted parole. These Non-Employable Entrants are eligible for ORR benefits and services subject to certain limitations, as long as there is no final order of removal.

Non-Employable Entrants are Eligible for ORR Refugee Resettlement Benefits and Services

Per Section 501 of the Refugee Education Assistance Act of 1980 (P.L. 96-422; 94 Stat. 1799; October 10, 1980) Cubans and Haitians placed into removal proceedings that have not ended with a final order of removal meet one definition of Cuban Haitian Entrant. All Cuban and Haitian Entrants are eligible for ORR Refugee Resettlement benefits and services same as a refugee (45 CFR § 400.43 (a)(4)).²

Non-Employable Entrants cannot receive Employment Authorization and therefore should not receive employability services.

Non-Employable Entrants are those Entrants who cannot apply for or be granted employment authorization.³ As a result, these Entrants cannot engage in job search or be represented to prospective employers as employable. Thus, Non-Employable Entrants cannot engage in the Refugee Support Services (RSS) employability services described in 45 CFR §§ 400.75 and 400.154 nor can they participate in the Matching Grant Program. However, it is permissible for such Entrants to participate in those services described in 45 CFR § 400.155.

¹ For a list of documents that indicate Cuban Haitian Entrant classification including evidence that the person has been placed into removal proceedings, please see ORR Policy Letter # 16-01 at this link:
<https://www.acf.hhs.gov/orr/resource/status-and-documentation-requirements-for-the-orr-refugee-resettlement-program>

² For purposes of verification, ORR grantees and service providers should call the EOIR Case Status Line at 1-800-898-7180 to verify that the removal proceedings for these Cubans and Haitians are still pending and have not ended in a final, non-appealable, legally enforceable order of removal.

³ This group of Entrants may also be prevented from obtaining a Social Security Number and accessing mainstream benefits such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), Medicaid, and Supplemental Nutrition Assistance Program (SNAP).

Non-Employable Entrants are eligible for ORR RCA and ORR RMA

Non-Employable Entrants are eligible for ORR Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA), as long as they meet the other eligibility requirements for non-employable refugees. Non-Employable Entrants should be treated as other non-employable refugees.

Conclusion

This ORR Policy Letter does not address other categories of Cuban Haitians Entrants including Cubans and Haitians granted parole, and Cubans and Haitians who have pending applications for asylum.

Generally, ORR grantees and service providers should continue to furnish ORR resettlement benefits and services to Cubans and Haitians who meet the definition of Cuban Haitian Entrant and can provide the required documentation, and who meet eligibility requirements for the benefit or service sought.

For more information about the definition of Cuban Entrant and the required immigration documentation, please see [Policy Letter 16-01](#).

If you have questions about this Policy Letter, please contact Thomas Pabst at (202) 401-5398 or Thomas.Pabst@acf.hhs.gov.

Sincerely,

Jonathan H. Hayes
Director
Office of Refugee Resettlement